

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

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FISCAL IMPACT STATEMENT

LS 7276

BILL NUMBER: HB 1212

NOTE PREPARED: Apr 30, 2003

BILL AMENDED: Apr 8, 2003

SUBJECT: Purchase and Resale of Used Jewelry by Jewelers.

FIRST AUTHOR: Rep. Fry

FIRST SPONSOR: Sen. Zakas

BILL STATUS: Enrolled

FUNDS AFFECTED: ☒ **GENERAL**
☒ **DEDICATED**
☐ **FEDERAL**

IMPACT: State & Local

Summary of Legislation: (Amended) This bill has the following provisions:

- (A) It requires jewelers to maintain books, accounts, bill of sales, and records concerning the purchase and resale of used jewelry, with the exception of used jewelry used by a customer as a trade-in toward a purchase of new jewelry.
- (B) It requires jewelers to make records available to a law enforcement agency.
- (C) It prohibits jewelers from purchasing used jewelry: (1) from an individual under 18 years of age; and (2) the jeweler knows or has reason to believe is stolen property.
- (D) It allows law enforcement officers to obtain jewelers' records.
- (E) It makes a violation of these provisions a Class A misdemeanor.

Effective Date: July 1, 2003.

Explanation of State Expenditures:

Explanation of State Revenues: (Revised) The bill establishes a Class A misdemeanor for violation of the provisions of the chapter.

If additional court cases occur and fines are collected for the Class A misdemeanor, revenue to both the Common School Fund and the state General Fund would increase. The maximum fine for a Class A misdemeanor is \$5,000. Criminal fines are deposited in the Common School Fund. If the case is filed in a circuit, superior, or county court, 70% of the \$120 court fee that is assessed and collected when a guilty verdict is entered would be deposited in the state General Fund. If the case is filed in a city or town court, 55% of the fee would be deposited in the state General Fund.

Explanation of Local Expenditures: A Class A misdemeanor is punishable by up to one year in jail. The average daily cost to incarcerate a prisoner in a county jail is approximately \$44.

Explanation of Local Revenues: If additional court actions occur and a guilty verdict is entered, local governments would receive revenue from the following sources: (1) The county general fund would receive 27% of the \$120 court fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. If the case is filed in a city or town court, 20% of the court fee would be deposited in the county general fund and 25% would be deposited in the city or town general fund. (2) A \$3 fee would be assessed and, if collected, would be deposited into the county law enforcement continuing education fund. (3) A \$2 jury fee is assessed and, if collected, would be deposited into the county user fee fund to supplement the compensation of jury members.

State Agencies Affected:

Local Agencies Affected: Trial courts, local law enforcement agencies prosecuting attorney.

Information Sources:

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